

VZCZCXRO1076
RR RUEHIK
DE RUEHYE #0845/01 3430732
ZNR UUUUU ZZH
R 090732Z DEC 09
FM AMEMBASSY YEREVAN
TO RUEAWJA/DEPT OF JUSTICE WASHDC
INFO RUEHC/SECSTATE WASHDC 9811
RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RUEHLMC/MILLENNIUM CHALLENGE CORPORATION WASHINGTON DC
RHEHNSC/NSC WASHDC

UNCLAS SECTION 01 OF 02 YEREVAN 000845

SENSITIVE

SIPDIS

STATE FOR INL/AEE Judith Campbell, L/LEI Jennifer Landsidle
DOJ/OPDAT for Carl Alexandre and DOJ/OPDAT,
Catherine Newcombe, DOJ/OIA Tom Burrows, DOJ/OIA Andrea Tisi, and
DOJ/USDOJ, and DOJ/CRM/DAAG Bruce Swartz

E.O. 12958: N/A

TAGS: [PHUM](#) [PGOV](#) [PREL](#) [KDEM](#) [KJUS](#) [AM](#)

SUBJECT: USDOJ AND ARMENIAN OFFICIALS DISCUSS EXTRADITION AND MUTUAL
LEGAL ASSISTANCE

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SUMMARY

1. (SBU) Officials of the U.S. Department of Justice / Office of International Affairs (OIA) and Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) met with high-level GOAM officials to recognize the extensive informal cooperation in criminal matters between the U.S. and Armenia, but nonetheless to discuss extradition issues and difficulties in transferring prosecution from the United States to Armenia. Armenia and the United States do not have a bilateral extradition treaty; the Armenian Criminal Code prohibits citizens of Armenia from being sent to a foreign state for prosecution, although the Constitution of Armenia would allow it should there be authorization in a treaty. There seems little will among Armenian officials to amend their laws to allow for extradition of Armenian citizens to the United States, a prerequisite to consideration of negotiation of a bilateral extradition treaty. Armenian law enforcement continues to work closely and effectively with their American counterparts on sharing information and obtaining evidence, even without a bilateral mutual legal assistance treaty between the two countries. END SUMMARY.

LITTLE POLITICAL WILL FOR EXTRADITION

2. (SBU) Andrea Tisi of the US Department of Justice Office of International Affairs (USDOJ/ OIA) and RLA met in Yerevan with the Prosecutor General of Armenia, the Deputy Minister of Justice, the Head of the Armenian Police, and officials of the Armenian Foreign Ministry from November 30 to December 3, 2009. In their meetings the USDOJ officials explored the willingness of Armenian officials to change their Criminal Code to allow for extradition of Armenian citizens to the United States for prosecution. Armenia and the United States have no bilateral extradition treaty; under the Armenian Criminal Code, Article 16, Armenian citizens may not be extradited for crimes committed in other states. The Constitution of Armenia would allow such extradition were there an international treaty superseding the Criminal Code prohibition.

3. (SBU) GOAM officials appeared divided, at best, regarding a willingness to change local laws or otherwise push for a treaty to override those laws. The Prosecutor General clearly recognized the need for an extradition treaty, being interested in seeking the extradition of U.S. citizens and lawful permanent residents from the U.S. to face trial in Armenia. Nonetheless, the Prosecutor General

was more comfortable with U.S. authorities transferring evidence to Armenia in order for Armenian officials to prosecute, should an Armenian citizen commit a crime in the United States and then flee back to Armenia. MFA officials expressed a desire to explore the possibility of an extradition treaty, with the understanding that there would have to be a change to the Criminal Code of Armenia and real political will to extradite nationals. In sum, there is no real possibility for a bilateral extradition treaty with Armenia without a change in the Armenian preference for protecting their citizens from foreign prosecution.

AD HOC COOPERATION ABOUNDS IN THE ABSENCE OF A MUTUAL LEGAL
ASSISTANCE TREATY - WITH SOME GLITCHES

¶4. (SBU) Cooperation between US and Armenian law enforcement is good, even in the absence of a formal mutual legal assistance treaty. Nonetheless, Armenian law enforcement has been frustrated in a few instances by the failure of U.S. law enforcement to respond to GOAM requests for evidence in criminal cases in which the Armenians have arrested an Armenian national, or in one instance an Iranian national on drug charges, at the behest of U.S. officials or an Interpol Red Notice. Often this failure to respond may be due to communication difficulties, failure to obtain Armenian translations of evidence gathered in the United States, or other issues. OIA offered to assist the Armenian authorities in facilitating communication so that U.S. prosecutors can make decisions about whether to transfer prosecution to Armenia, and if they decide to, how to share evidence with Armenian authorities.

¶5. (SBU) At the moment, Armenia is obliged to arrest people based on an Interpol Red Notice. Thereafter, Armenian officials seek the U.S. evidence underlying the charge in order to proceed with the prosecution in Armenia. U.S. authorities may not want to transfer

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prosecution, but instead may want to wait and see whether the fugitive turns up in another country with which the United States does have an extradition treaty. Currently, communication is ad hoc, and often Armenia does not hear back from individual local prosecutors about transfer of prosecution. To smooth out these more-than-occasional difficulties, the OIA official met with her counterparts in the Prosecutor General's Office to establish clear lines of communication, thereby promoting full understanding on future law enforcement cooperation. The OIA official also conducted a training session, at OPDAT's request and with INL support, for police and prosecutors on U.S. extradition and deportation practices and on how to best obtain evidence from the U.S.

COMMENT

¶6. (SBU) One of the purposes of OIA's trip to Armenia was to determine whether a more formalized, regularized structure of law enforcement cooperation would be feasible and/or desirable. Given that extradition of nationals does not seem a possibility in the near future, cooperation on a case-by-case basis, which has been good, seems the most productive means to advance U.S. interests. END COMMENT.

YOVANOVITCH